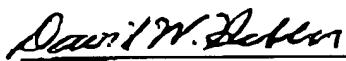


CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with Dianne Maggard of the United States Patent and Trademark Office by facsimile transmission on May 2, 2005 to facsimile telephone number (571) 273-0300.



David W. Hibler

41,071

(Reg. No.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant(s):	Hu <i>et al.</i>	Group Art Unit:	1652
---------------	------------------	-----------------	------

Application No.:	09/854,844	Appeal No.:	2005-0598
------------------	------------	-------------	-----------

Filed:	05/14/2001	Examiner:	D. Ramirez
--------	------------	-----------	------------

Title: Novel Human Protease and Polynucleotides Encoding the Same	Atty. Docket No.: LEX-0176-USA
--	--------------------------------

RESPONSE TO ORDER UNDER 37 C.F.R. § 41.50(d) DATED DECEMBER 1, 2004;
AND WITHDRAWAL OF APPEAL

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Appellants acknowledge the receipt of the Order Under 37 C.F.R. § 41.50(d) ("the Order") mailed on March 31, 2005, which has been carefully reviewed and studied. While Appellants do not agree with the rejections set forth by the Examiner in the present case, and do not agree with the Board that "(t)he Appeal Brief in this appeal includes essentially the same arguments that were made and rejected by the previous merits panel in Appeal No. 2004-1732" (the Order bridging pages 3 and 4), Appellants hereby withdraw the present appeal (Appeal No. 2005-0598) without prejudice and without disclaimer in order to pursue claims in a continuing application, which was filed on May 2, 2005.

A one month non-extendable time limit for response is set forth in the Order. Thus, the deadline for filing the present response is April 30, 2005, which falls on a Saturday and is therefore extended to Monday, May 2, 2005, under 37 C.F.R. § 1.7. The response is therefore timely filed, and Appellants believe no fees are due in connection with this response. However, the Commissioner is authorized to charge any required fees or credit any overpayment to Deposit Account No. 50-0892.

Respectfully submitted,

May 2, 2005

Date



David W. Hibler

Reg. No. 41,071

Agent for Appellants

Customer # 24231

LEXICON GENETICS INCORPORATED
8800 Technology Forest Place
The Woodlands, TX 77381
(281) 863-3399

8800 Technology Forest Place
The Woodlands, TX 77381
Phone: 281-863-3399
Fax: 281-863-3336

**Lexicon Genetics
Incorporated**

Fax

To: Dianne Maggard
Board of Patent Appeals and Interferences

From: David W. Hibler *DWH*
Reg. No. 41,071
Agent for Appellants

Fax: 571-273-0300 **Date:** May 2, 2005

Phone: **Pages:** 3 (including coversheet)

Re: Appeal No. 2005-0598
Application Serial Number: 09/854,844
Atty. Dkt. No. LEX-0176-USA

Comments:

Please find attached a Response to the Order Under 37 C.F.R. § 41.50(d), and Withdrawal of Appeal No. 2005-0598. Please contact me at the number shown above if there are any questions.